UNITED STATES PATENT AND TRADEMARK OFFICE

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PTOL-90A (Rev. 10/06)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

Application Number: 10/054,057
Filing Date: January 22, 2002
Appellant(s): HERZ ET AL.

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GROUP 3600

Michael P. Dunnam
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/11/2006 appealing from the Office action mailed 9/21/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed

on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the

brief is correct.

(8) Evidence Relied Upon

Roesler, M. and Hawkins, D.T. "Intelligent Agents" Online, Vol. 18, no. 4

(July 1994), pp. 19-32.

Wuthrich, B. "Daily Stock Market Forecast from Textual Web Data" IEEE,

0-7803-4778-1/98 (1998), pp.2720-2725.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed

claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 2-6 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wuthrich et al. and Roesler et al.

Wuthrich et al. disclose predicting the stock market from news using data

mining(entire article).

Wurthrich et al. disclose the invention except interpreting words as

pronouns. Such an interpretation requires artificial intelligence and neural

network technologies. However, in pages 26 and 28, Roesler et al.

disclose using intelligent agents to locate items. It would be obvious to one

of ordinary skill in the art to modify the invention of Wuthrich et al. based on

the teachings of Roesler et al. The motivation to combine these references

is to efficiently and effectively predict the stock market from news data.

(10) Response to Argument

Wurthrich et al.(entire article) discloses predicting the stock market

from TEXTUAL web data which is what the inventor discloses. Roseler et

al. discloses on page 28: "information extraction(allows the creation of

information retrieval agents to extract specific information from textual

databases, such as expected trends in the stock market based on quoted

analyst predictions, or information about mergers and acquisitions)."

Both of these references disclose contextual analysis to formulate predictions of a future event. This type of interpretative computer analysis would have to use artificial intelligence to translate contextual material into a meaningful predictor. The inventor is not really providing details about the mechanics of his invention to distinguish how it is different from Wurthrich et al. and Roseler et al.

(11) Related Proceeding(s) Appendix

No related proceedings were identified in the Appendix.

For the above reasons, it is believed that the rejections should be sustained.

Debra F. Charles

Other reviewers

Alexander Kalinowski
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